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**IN THE UNITED STATES DISTRICT COURT
IN AND FOR THE EASTERN DISTRICT OF NEW YORK**

SEMYON GRINBLAT, individually and on
behalf of all others similarly situated,

Plaintiff,

-against-

**86-02 MEAT & PRODUCE INC., 86-02
NORTHERN LLC, JOHN DOE 1-X,**
persons yet unknown, **Limited Liability
Companies, Partnerships, Corporations 1-
X**, entities yet unknown,

Defendants.

**ANSWER WITH AFFIRMATIVE
DEFENSES TO DEFENDANT’S 86-02
MEAT & PRODUCE INC.’S CLAIM**

CASE NO.: 19-cv-7017-FB-PK

The Plaintiff, SEMYON GRINBLAT (“Plaintiff”), by and through his undersigned attorney, as and for his answer with affirmative defenses to the claim of the Defendant, 86-02 MEAT & PRODUCE INC. (“Defendant”), hereby answers as follows:

DEFENDANT’S CLAIM

In its Answer to Complaint and Affirmative Defenses [Doc. No. 11] [Page ID #: 81], the Defendant made the following demand: “WHEREFORE, Defendant respectfully requests that the Plaintiff’s Complaint be dismissed in its entirety, and that the Defendant be granted its costs and attorney’s fees.”

THE PLAINTIFF'S ANSWER

The Plaintiff denies that the Defendant is entitled to recover attorney's fees and costs incurred in this action for any reason and under any circumstances.

GENERAL AND AFFIRMATIVE DEFENSES

1. The Defendant fails to state a claim, in whole or in part, upon which relief may be granted.
2. As 28 U.S.C. §1927 requires a clear showing of bad faith, as well as because bad faith is the touchstone of an award under this statute, and because without a demonstration of bad faith on the part of the attorney in question, sanctions pursuant to this statute are inappropriate and must be denied, the Defendant's claim under this statute must be denied, as the Plaintiff's attorney did not litigate this matter in bad faith.
3. 42 U.S. Code §2000a-3(b) is designed to allow indigent plaintiffs to pursue injunctions of general public importance without the payment of fees, costs, or security. The Defendant is not entitled to its fees or costs in defending an action under this statute.
4. The Defendant's claims for damages are barred by the Plaintiff's good faith reliance upon reasonable interpretations of the Americans with Disabilities Act, the New York State Civil Rights Laws, the New York State Human Rights Laws and the New York City Human Rights Laws.
5. As the Defendant has failed to mitigate, or to reasonably attempt to mitigate, its damages, attorney's fees, or costs, its entitlement to them should be expressly denied.
6. The purported claim for attorney's fees and costs, alleged in the Defendant's Answer, are barred to the extent that an action brought in good faith is excused, exempted, or justified under the statutes under which the Plaintiff makes the allegations.

7. The Plaintiff reserves the right to raise additional affirmative defenses, and to supplement those asserted herein, upon discovery of further information and investigation into the Defendant's claims.

March 1, 2020

Respectfully submitted,



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CERTIFICATE OF SERVICE

I certify that on March 1, 2020, I filed the foregoing Answer with Affirmative Defenses to Defendant's 86-02 MEAT & PRODUCE INC.'s Claim with the Court via CM/ECF, which caused notice to be served upon all e-filing counsel of record. On the same date I also served the following, via U.S. Mail, postage prepaid:

86-02 NORTHERN LLC
C/O Richard Grobman
474 Fulton Avenue
Hempstead, NY 11550

(The above address is used for service of process by the New York Department of State. No registered agent is listed in the Corporation & Business Database maintained by that government agency for Defendant 86-02 NORTHERN LLC.)